

REMARKS

STATUS OF CLAIMS

Claims 1, 2, 4, 7 – 11, 17, 18, 20, 23-27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112–118, 120–128, 130–135, 137–141, 143–147, and 149–155 are pending in the application and stand rejected. Claims 1, 9, 17, 25, 81, and 95 are rejected under 35 U.S.C. § 102(b) over Darling (WO 93/23125). Claims 2, 4, 7, 8, 20, 23, 24, 33, 35, 37, 41, 45, 47, 49, 53, 82, 83, 85, 89, 91, 96, 97, 99, 103, 105, 109, 110, 112, 113, 117, 118, 120, 121, 125, 128, 130, 132, 125, 137, 139, 141, 143, 145, 147, 149, 152, 154, and 155 are rejected under 35 U.S.C. § 103(a) over Darling in view of Online Monopoly and U.S. Patent No. 6,579,184 (“Tanskanen”). Claims 10, 26, 114, 122, 126, 133, 140, 146, 151 are rejected under 35 U.S.C. § 103(a) over Darling in view of Online Monopoly, Tanskanen, and further in view of U.S. Patent No. 5,273,288 (“Teshima”).

ARGUMENT

Applicant respectfully traverses the Examiner’s rejections of claims 1, 9, 17, 25, 81, and 95 under 35 U.S.C. § 102(b) as being allegedly anticipated by Darling.

Rejections under 35 USC §102

Claim 1

Claim 1 is rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Darling (WO 93/23125).

Applicant respectfully submits that Darling does not disclose the subject matter recited in claim 1. In the Final Office Action dated November 19, 2007, the Examiner indicated that the pages 10 and 11 of Darling teach transmitting and retrieving information stored in each gaming terminal’s RAM, and this anticipates “identifying, at a first terminal, one or more remote terminals for a game by retrieving one or more stored numbers associated with said one or more remote terminals from memory of the first terminal.” Applicant respectfully disagrees with the Examiner. Applicant respectfully submits that pages 10 and

11 of Darling teach transmitting game play information between devices that are currently in a game, that is, this portion of Darling is referring to ongoing games, and is not related identifying remote opponents for a game. Applicant submits that in Darling in order to identity terminals for games “a logon procedure is carried out.” (Darling at p. 11). In Darling, a device that attempts to connect with another performs a logon procedure, that is, it transmits a logon packet that indicates the device’s identity to another device at a suitable time. This logon packet is processed by the other device and the other device uses the information from the packet to identify devices for a game. (See Darling p.14 and basic packet information described on p. 18). Applicant submits that a terminal that identifies opponents for a game by retrieving one or more stored numbers associated with the opponents from memory of the terminal is patentably distinct from a terminal that identifies opponents for a game by receiving a packet of information that identifies the opponent. Accordingly, for at least this reason, Applicant respectfully requests reconsideration of the rejection of claim 1.

Insomuch as claims 2, 4, 7, 8 – 11 depend directly or indirectly from claim 1 they too patentably define over the references for at least similar reasons as claim 1. Accordingly, for at least the reasons discussed with respect to the rejection of claim 1, Applicant respectfully requests reconsideration of the rejections of claims 2, 4, 7, 8 – 11.

Independent claims 17 and 152 recite similar elements to those of claim 1 and also patentably define over Darling for at least the above stated reasons with respect to claim 1. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 17 and 152.

Insomuch as claims 18, 20, 23, 25, 26, and 27 depend directly or indirectly from claim 17 they too patentably define over the cited art for at least the above stated reasons with respect to claim 1. Accordingly, Applicant respectfully requests reconsideration of these rejections.

Rejections under 35 USC §103

Applicant respectfully traverses the Examiner’s rejections of claims 2, 4, 7, 8, 10, 20, 23, 24, 26, 33, 35, 37, 41, 45, 47, 49, 53, 82, 83, 85, 89, 91, 96, 97, 99, 103, 105, 109,

110, 112, 113, 114, 117, 118, 120, 121, 122, 125, 126, 128, 130, 132, 133, 125, 137, 139, 140, 141, 143, 145, 146, 147, 149, 151, 152, 154, and 155.

Claim 7 and 8

Claim 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Darling in view of Online Monopoly and Tanskanen.

Applicant submits that claims 7 and 8 additionally define over Darling in view of Online Monopoly and Tanskanen for at least one additional reason. In order to prove a prima facie case of obviousness the Examiner must provide a reason as to why one of skill would combine the references in the manner claimed. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 167 L.Ed.2d 705, 82 USPQ2d 1385, 1391 (2007). Applicant respectfully submits that the Examiner has not provided a sufficient reason as to why one of skill in the art at the time of invention would use DTMF signals of Tanskanen with the packet based communication feature of Darling. In the Office Action the Examiner stated that page 17, paragraph 4 of Darling teaches that any suitably adapted communications protocol can be used to transmit data and that a suitably adapted communications protocol can be a wireless telephone line using a DTMF signal as taught by Tanskanen and that one would combine them to “achieve the predicable result of a wireless gaming system which utilizes inband DTMF signals as a data transmission means. (Office Action at p. 4-5). Applicant disagrees with the Examiner’s characterization and interpretation of Darling. Applicant submits that the Examiner has paraphrased Darling, and the actual text of Darling states “data packets can be transmitted using any suitably adapted communications protocol known to those skilled in the art.” (Darling p. 17, paragraph 4) (Emphasis added). Applicant submits that this statement would lead one of skill in the art to use a suitably adapted communications protocol such as TCP or UDP to transmit packets. Applicant submits that the Examiner has not provided a sufficient reason as to why one of skill in the art would digitize DTMF signals and place the digital DTMF information in the packets of Darling. Applicant submits that since the Examiner has not provided a sufficient reason as to why one of skill in the art would combine the references in the manner claimed, the Examiner has failed to prove a prima facie case of obviousness. Accordingly, for at least this additional reason Applicant respectfully requests reconsideration of the rejection of claims 7 and 8.

Insomuch as claims 23 and 24 recite similar elements as claims 7 and 8 they too patentably define over the combination of references for at least similar reasons as claims 7 and 8. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 23 and 24.

Claim 33

Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over Darling in view of Online Monopoly and Tanskanen.

Similar to that described above with respect to claims 7 and 8, in order to prove a prima facie case of obviousness the Examiner must provide a reason as to why one of skill would combine the references in the manner claimed. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 167 L.Ed.2d 705, 82 USPQ2d 1385, 1391 (2007). Applicant respectfully submits that the Examiner has not provided a sufficient reason as to why one of skill in the art at the time of invention would use DTMF signals of Tanskanen with the packet based device of Darling. In the Office Action the Examiner stated that page 17, paragraph 4 of Darling teaches that any suitably adapted communications protocol can be used to transmit data and that a suitably adapted communications protocol can be a wireless telephone line using a DTMF signal as taught by Tanskanen and that one would combine them to “achieve the predicable result of a wireless gaming system which utilizes inband DTMF signals as a data transmission means. (Office Action at p. 4-5). Applicant disagrees with the Examiner’s characterization and interpretation of Darling. Applicant submits that the Examiner has paraphrased Darling, and the actual text of Darling states “data packets can be transmitted using any suitably adapted communications protocol known to those skilled in the art.” (Darling p. 17, paragraph 4) (Emphasis added). Applicant submits that this statement would lead one of skill in the art to use a suitably adapted communications protocol such as TCP or UDP to transmit packets. Applicant submits that the Examiner has not provided a sufficient reason as to why one of skill in the art would digitize DTMF signals and place the digital DTMF information in the packets of Darling. Applicant submits that since the Examiner has not provided a sufficient reason as to why one of skill in the art would combine the references in the manner claimed, the Examiner has failed to prove a prima facie case of obviousness.

Accordingly, for at least this reason Applicants respectfully request reconsideration of the rejection of claim 33.

Insomuch as claims 34, 35, 37, 41 depend directly or indirectly from claim 33 they too patentably define over the combination of references. Accordingly, for at least this reason Applicants respectfully request reconsideration of the rejections of claims 34, 35, 37, 41.

Independent claims 45, 125, 132, 139, 145, 153, and 155 recite similar elements to those of claim 33 and patentably define over the combination of references for at least similar reasons as claim 33. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 45, 125, 132, 139, 145, 153, and 155.

Insomuch as claims 46, 47, 49, 53, 126-128, 130-131, 133-135, 137, 138, 140, 141, 143, 144, 146, 147, 149, 150, and 154 depend directly or indirectly from claims 45, 125, 132, 139, 145, 153, and 155 they too patentably define over the combination of references. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 46, 47, 49, 53, 126-128, 130-131, 133-135, 137, 138, 140, 141, 143, 144, 146, 147, 149, 150, and 154.

Claim 109 and 117

Claims 81, 95, 109, 117, and 151 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Darling in view of Online Monopoly and Tanskanen.

Independent claims 81, 95, 109, 117, and 151 recite similar elements to that of claims 1 and claim 33 and patentably define over the combination of references for at least similar reasons as claims 1 and 33. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 81, 95, 109, 117, and 151.

Insomuch as claims 82, 83, 85, 88, 89, 91, 96, 97, 99, 102, 103, 105, 110, 112-116, 118, 120-124 depend directly or indirectly from claims 81, 95, 109, 117, or 151 they too patentably define over the combination of references. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims , 83, 85, 88, 89, 91, 96, 97, 99, 102, 103, 105, 110, 112-116, 118, 120-124.

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37 CFR § 1.116

CONCLUSION

Applicants request the Examiner reconsider the rejections and issue a Notice of Allowance of all the claims.

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